

NEW LEGISLATION

CLERK OF THE CIRCUIT COURT ANNUAL CONFERENCE

JUNE 2022

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SEA 67 SMALL ESTATES

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- IC 29-1-8 effective 7-1-22
 - Increases the value of estates that may be distributed via affidavit from \$50,000 to \$100,000



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SEA 134 APPROPRIATION OF DONATED MONEY

- IC 3-5-3-1 effective 3-1-22 – A political subdivision may not accept private donations to prepare, administer or conduct elections or to employ individuals on a temporary basis for preparing, administering or conducting elections.
- IC 36-1-30 effective 3-1-22 - Requires all local units of government to submit to the SBOA a report of each individual employee employed by the governmental unit whose salary is funded in whole or part from donated money.



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SEA 148 PROSECUTING ATTORNEYS

- IC 5-4-1-20 effective 7-1-22 - Allows the prosecuting attorney to purchase a crime policy in lieu of an official bond
- IC 31-14-4-3 effective 7-1-22 - Allows prosecutor to file a paternity action in certain cases under the IVD program
- IC 33-39-4-1 and IC 33-39-6-7-8 - Broadens the types of expenses a county auditor shall pay in connection with a criminal case and allows prosecutor to appoint employees with county council approval
- Allows two conferences each year and specifies who may attend.



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SEA 328 ELECTIONS

- IC 3-6-4.2 effective 12-1-21 (Retroactive) – Election Division Training:
- Can be called when the election division determines that the training is necessary
- Adds that each Director, Assistant Director or Co-Director of the board is required to attend
- A member of the Election Board may attend
- For meetings held after 1-1-22 - Each individual who attends under subsection (c) and newly elected circuit court clerks are entitled to receive mileage, allowance for lodging and reimbursement for meals purchased.



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HEA 1130 AND SEA 83 OPEN MEETINGS

- IC 5-14-1.5-3.7 effective 7-1-22 - Restricts the circumstances in which the governing body of local political subdivision may hold a virtual meeting during a declared disaster emergency without any of the governing body members being physically present.



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HEA 1285 REDISTRICTING

- IC 3-5-10 is added as new chapter effective 3-18-22
- Removes the discretionary ability of a political subdivision to redistrict election districts other than those required by statute.
 - Federal decennial census – county first year after census
 - Other census- first year after census is completed
 - When a county boundary changes
 - Whenever annexed territory is added to a district
 - Political boundary is changed
 - Court ordered



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HEA 1300 BAIL

- IC 27-10-2 - Charitable organizations must meet certain criteria and be certified by the Commissioner of the Department of Insurance in order to post bail
- IC 35-33-8-0.6 - Prohibits political subdivisions from posting bail for any person or providing a grant to any entity that provides funding for any person who posts bail. An agreement must be signed to retain all of part of the bail to pay certain court costs from cash bail and the bail is to be returned to the person who paid it.
- IC 33-24-6-3 - Case management systems operated by the Office of Judicial Administration must include a searchable field for certain information of the bail agent or person authorized by the surety that pays bail for an individual



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HEA 1300 BAIL

- IC 35-33-8-3.2 Effective 7-1-22
- Adds language that the defendant or person who makes deposit on behalf of the defendant shall be advised that upon conviction, the court may retain all or part of the cash deposited as bail to pay publicly paid costs of representation and fines, costs and fees, and restitution that the court may order
- The clerk of the court shall record the name, address, and bail agents license number, if applicable of the bail agent or person authorized by surety posting bail for the defendant in the county electronic case management system.



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HEA 1359 JUVENILE LAW MATTERS

- IC 31-37-8.5 effective 7-1-23 - Establishes a juvenile diversion program and sets procedures
- Removes the informal adjustment program fee (\$5 to \$15 per month) currently collected by probation effective 7-1-23
- IC 31-40-5 effective 7-1-23 - Establishes a Juvenile Diversion and Community Alternatives Grant program with a local Justice Reinvestment Advisory Council to oversee the program and grant.



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SEA 304 TOWNSHIP TRUSTEE

- IC 36-6-4.5 – effective 7-1-22 -The bill provides that the township board, county executive and county fiscal body may adopt resolutions to collectively petition a court under 5-8-1-35 to remove a township trustee from office for committing certain violations.



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